

### Fact Sheet on SB 96

1. This bill is intended to keep inappropriate offenders out of the Montana State Hospital and the Montana Developmental Center. The bill affects defendants in the sentencing phase of the criminal process and would require an evaluation before a judge sentences someone as guilty but mentally ill (GBMI), pursuant to § 46-14-312.
2. The bill affords protection to Montana citizens by preventing inappropriate referrals to DPHHS on plea agreements without an appropriate mental health evaluation.
3. The evaluation assesses a defendant's existing mental state, establishes a diagnosis and recommends treatment options, and appropriate placements.
4. The bill will result in some increase in evaluations, but that is necessary if the measure is to prevent inappropriate referrals.
5. There is nothing in this bill that encourages, or creates incentives for, defendants to seek a GBMI finding. Therefore, the Department of Corrections and Department of Public Health and Human Services do not anticipate that this will result in a flood of defendants seeking evaluations pursuant to this legislation.
6. The bill will not result in evaluations for all defendants, but only for those who have appropriately raised the issue of mental disease or defect, pursuant to § 46-14-311.
7. Evaluations will take place in the community by a local professional or at Montana State Hospital. Not all defendants will be transported to Montana State Hospital for evaluations.
8. The bill gives those conducting pre-sentence investigations valuable information with which to make appropriate recommendations to the courts.
9. The bill is not expected to increase costs. The expense of any additional evaluations will be paid by DPHHS and should be offset by fewer referrals to the state hospital.
10. The result of this bill will be preserving state hospital beds for those who need to be there, more appropriate treatment of defendants and a cost savings to taxpayers by avoiding long and unwarranted hospital stays.
11. This bill is requested by the Department of Corrections and Department of Public Health and Human Services.
12. The measure is based on a recommendation by the interim Law & Justice Committee. It is supported by a working group that also includes representatives from the attorney general's office, office of public defender, all DPHHS facilities that receive GBMI cases, victim advocates, legal counsel from correction and human services, community corrections, and a local county attorney.